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6

7 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
8 STATE OF CALIFORNIA  
9

10 In the Matter of	)	FPPC No. 06/615
	)	
	)	STIPULATION, DECISION and
11 JAMES TONG and CHARTER	)	ORDER
12 PROPERTIES,	)	
	)	
13 Respondents.	)	
	)	

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15  
16 Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, and  
17 James Tong and Charter Properties (“Respondents”) hereby agree that this stipulation will be submitted  
18 for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

19 The parties agree to enter into this stipulation to resolve all factual and legal issues raised in this  
20 matter, and to reach a final disposition without the necessity of holding an administrative hearing to  
21 determine the liability of Respondents.

22 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural  
23 rights set forth in sections 83115.5, 11503 and 11523 of the Government Code, and in sections 18361.1  
24 through 18361.9 of title 2 of the California Code of Regulations. This includes, but is not limited to, the  
25 right to personally appear at any administrative hearing held in this matter, to be represented by an  
26 attorney at Respondents’ own expense, to confront and cross-examine all witnesses testifying at the  
27 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge  
28 preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

1 It is further stipulated and agreed that Respondents violated the Political Reform Act by failing  
2 to file a paper format semi-annual campaign statement by the July 31, 2002 due date, in violation of  
3 section 84200, subdivision (b) of the Government Code (1 count); by failing to file a paper format semi-  
4 annual campaign statement by the January 31, 2003 due date, in violation of section 84200, subdivision  
5 (b) of the Government Code (1 count); by failing to file an electronic semi-annual campaign statement  
6 by the January 31, 2003 due date, in violation of section 84605, subdivision (a) of the Government Code  
7 (1 count); by failing to file a paper format semi-annual campaign statement by the July 31, 2004 due  
8 date, in violation of section 84200, subdivision (b) of the Government Code (1 count); by failing to file  
9 an electronic semi-annual campaign statement by the July 31, 2004 due date, in violation of section  
10 84605, subdivision (a) of the Government Code (1 count); by failing to file a paper format semi-annual  
11 campaign statement by the January 31, 2005 due date, in violation of section 84200 (1 count); by failing  
12 to file an electronic semi-annual campaign statement by the January 31, 2005 due date, in violation of  
13 section 84605, subdivision (a) of the Government Code (1 count); and by failing to file a paper format  
14 semi-annual campaign statement by the January 31, 2006 due date, in violation of Section 84200,  
15 subdivision (b) of the Government Code (1 count), as described in Exhibit 1. Exhibit 1 is attached  
16 hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate  
17 summary of the facts in this matter.

18 Respondents agree to the issuance of the decision and order, which is attached hereto.  
19 Respondents also agree to the Commission imposing upon it an administrative penalty in the amount of  
20 Twenty-Six Thousand Dollars (\$26,000). A cashier's check from Respondents in said amount, made  
21 payable to the "General Fund of the State of California," is submitted with this stipulation as full  
22 payment of the administrative penalty, to be held by the State of California until the Commission issues  
23 its decision and order regarding this matter. The parties agree that in the event the Commission refuses  
24 to accept this stipulation, it shall become null and void, and within fifteen (15) business days after the  
25 Commission meeting at which the stipulation is rejected, all payments tendered by Respondents in  
26 connection with this stipulation shall be reimbursed to Respondents. Respondents further stipulate and  
27 agree that in the event the Commission rejects the stipulation, and a full evidentiary hearing before the  
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Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this stipulation.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mark Krausse  
Executive Director  
Fair Political Practices Commission

Dated: \_\_\_\_\_

\_\_\_\_\_  
James Tong, Respondent  
Charter Properties, Respondent

### **DECISION AND ORDER**

The foregoing stipulation of the parties “In the Matter of James Tong and Charter Properties, FPPC No. 06/615,” including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chairman.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Liane M. Randolph, Chairman  
Fair Political Practices Commission